

MONTANA LEGISLATIVE HISTORY

Chapter 777 19 91

Bill H 29 S _____ Original bill & history C

H. Committee on Highway & Transportation

Hearing Date(s) Jan 10 ✓ C

Feb 12 ✓ C

_____ C

_____ C

Date Out Feb 13 ✓ C

S. Committee on Highway & Transportation

Hearing Date(s) Mar 05 ✓ C

Mar 14 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

12/27	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
12/28	FISCAL NOTE REQUESTED		
1/07	FIRST READING		
1/09	FISCAL NOTE RECEIVED		
1/10	HEARING		
1/10	FISCAL NOTE PRINTED		
1/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED AS AMENDED	100	0
2/01	3RD READING PASSED	97	1
	TRANSMITTED TO SENATE		
2/01	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/02	FIRST READING		
2/12	HEARING		
4/03	COMMITTEE REPORT—BILL NOT PASSED AS AMENDED		
4/03	ADVERSE COMMITTEE REPORT ADOPTED	48	1

HB 29 INTRODUCED BY KIMBERLEY

RESTRICT USE OF TINTING OR SUNSCREENING MATERIAL ON
MOTOR VEHICLE WINDOWS

12/27	INTRODUCED		
12/27	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/07	FIRST READING		
1/10	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED AS AMENDED	87	8
2/18	3RD READING PASSED	91	7
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/05	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/16	2ND READING CONCURRED	47	2
3/18	3RD READING CONCURRED	46	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	56	37
4/09	3RD READING AMENDMENTS CONCURRED	62	35
4/16	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/19	RETURNED TO HOUSE WITH GOVERNOR'S AMENDMENTS		
4/20	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	94	3
4/22	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	92	4
	TRANSMITTED TO SENATE		
4/23	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	49	0
4/24	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	45	3
	RETURNED TO HOUSE		
4/25	SIGNED BY SPEAKER		
4/26	SIGNED BY PRESIDENT		
5/02	TRANSMITTED TO GOVERNOR		
5/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 777		

EFFECTIVE DATE: 10/01/91

HB 30 INTRODUCED BY PECK, ET AL

IMPLEMENT AND FUND EDUCATIONAL TELECOMMUNICATIONS
NETWORK

BY REQUEST OF SCHOOL FUNDING IMPLEMENTATION,

Proponents' Testimony:

Linda Ellison, Land Use Coordinator for Montana Trail Riders Association, stated that golf carts do not have any business being "in the count" so to speak as far as the program goes. The reason they were originally included in the bill last session was the certificate of ownership. Ms. Ellison said they saw the need as protection to the owners of those vehicles.

Opponents' Testimony: None

Questions From Committee Members:

CHAIRMAN STANG asked REP. CONNELLY if the \$4 fee was done away with, would she object to a one time fee for the certificate of ownership so the agency that does the bookwork be paid for their services. REP. CONNELLY replied she would not object.

CHAIRMAN STANG asked REP. CONNELLY if golf carts are taxed like snowmobiles, boats, etc., in other sections of the state. REP. CONNELLY replied that she did not know and would have to look into it.

Closing by Sponsor:

REP. CONNELLY said she wanted to work with the researcher more and maybe add an amendment to clarify the language.

HEARING ON HB 29Presentation and Opening Statement by Sponsor:

REP. BERV KIMBERLEY, House District 90, Billings, stated his bill would make it unlawful to operate a motor vehicle with darkened material on the side and rear windows that prevents a person from outside of the vehicle from looking in. As a driver approaching a four way controlled intersection, we have all been taught to make eye contact, this goes for runners, anyone making contact with a vehicle that has tinted windows. REP. KIMBERLEY stated the main reason for this bill is for the law enforcement.

Proponents' Testimony:

Robert Vandermeir stated his support for HB 29.

Col. Bob Griffith, Montana Highway Patrol, said that safety is their main concern. When confronting these vehicles at night the HP cannot see. When a vehicle is making certain motions they are either; 1) changing drivers; 2) hiding something; or 3) trying to find something. Mr. Griffith said it would be nice to make eye contact and/or be able to see what they are doing.

Bill Yaeger, Montana Highway Patrolman' Association, stated his

support for HB 29 and distributed EXHIBIT 3. It questions if an officer can see the occupants of a vehicle and their activities clearly. If not, the tinting is too dark. Mr. Yeager said that any change in the law regarding the tinted windows would be a welcome change.

Jim Manion, AAA of Montana, is in support of HB 29. He was pleased to have this type of legislation that deals with traffic safety issues.

Ron Ashabraner, State Farm Insurance, said they insure approximately 165,000 vehicles in Montana. He said the insurance companies will pay to have those tinted windows removed. The insurance companies would like to have a grandfather clause placed in this bill. The grandfather clause would phase out the tinted windows in a period of time. The bill would provide: 1) if the windows are tinted at this time, they have to bear the burden of proof to show the window was installed prior to the time this bill was enacted; and 2) large vehicles like Blazers and Suburban will have some type of vandalism to get rid of the tinted windows and the insurance company would have to pay for it, thus raising rates.

Bill Fleiner, Montana Sheriffs and Peace Officers Association, stated his support of HB 29 as is. He would go along with a minimum of tint, but was concerned for the officers safety.

Steve Turkiewicz, Montana Auto Dealers Association, stated his support for the bill. He felt there are concepts that need to be addressed and resolved before the bill comes out in regards to regulating tinting and defining the darkened material. He said the committee and law enforcement need to work with this bill and find out what other states have done with the regulation of tinting. Mr. Turkiewicz said cars that come from the factories with tinted windows would need to be checked before a law is passed and having the people pay to remove the tint from those cars.

Margaret Richardson, Montana Funeral Directors Association, stated that tinted windows used by the funeral homes are used in the co-car that carries the body. The family car windows are tinted due to the sensitivity of death and the privacy of the families. Ms Richardson asked that the tinted windows for funeral home vehicles be exempt from this bill. EXHIBIT 4

Opponents' Testimony:

Marvin Dagel, retired sheriff and owner of a service station, spoke of an example where he and his wife took an elderly lady on a trip. Without the tinted windows it would have been unbearable for her.

Informational Testimony:

REP. BACHINI stated that he was neither a proponent nor opponent, but was here at the request of one of his constituents. REP. BACHINI passed around 4 samples of glass with the different shades of tinting so the committee members could see the different percentages of darkness and what they would be voting for. These samples will be used for the subcommittee.

Doug Smith, Professional window tinting business, stated that tinted windows are very popular and felt it would be difficult to take this away from the consumers. Mr. Smith gave several examples of the different tints and how they are used. He stated that it would be very difficult to place regulations on the tinted windows that come from the factories. Mr. Smith offered his assistance to the subcommittee and provide them the information they will need.

Questions From Committee Members:

REP. MIKE FOSTER asked REP. BERV KIMBERLEY why this bill does not address front windshields. REP. KIMBERLEY replied he could not see that front windshields were that much of a factor. If the windows were tinted to a certain degree, you would not be able to see out. He felt that eye contact is the main concern from the side view.

REP. DON LARSON asked REP. KIMBERLEY if he knew how many states currently have the window tinting law. REP. KIMBERLEY replied that California, Massachusetts and Illinois do. He said that every state is concerned with the tinting of car windows, and there are about 35 states working on legislation to pass the tinting law through.

REP. ALVIN ELLIS asked Valencia Lane, Legal Counsel, the definition of "clearly". He felt there should be some standard of right and wrong and it should not be a judgmental decision. Ms. Lane agreed and said it needed to be worded better in order to understand the language. She stated it would be very difficult to prove the standards in a court of law.

REP. SCOTT McCULLOCH asked Mr. Griffith, MPH, if they have taken a stand on what percentage of tinting they would go with. Mr. Griffith replied that as far as the MPH is concerned they wanted the vehicle windows clear.

REP. TUNBY asked Mr. Dagel if the sun screen shades are included in this. Mr. Dagel replied that he hadn't thought of that, but did not think they were of any concern because they did not block the back and two side windows.

REP. TOOLE asked Mr. Smith if there was any way to test the shading of the windows to see what percentage of tinting the windows have. Mr. Smith replied that there are three ways this

can be done: 1) by placing a sticker in the window before it is tinted and then apply the tint on the window to see how well it can be read; 2) a light meter placed under the window to determine how much light is getting through; and 3) a card with the percent numbers on it can be placed behind the tinted window to see which percent numbers show through, i.e. if 35% is readable through the window that is the percentage of tinting.

REP. GALVIN asked Mr. Ashabraner how he was going to implement a grandfather clause into this bill. Mr. Ashabraner said they could write in the bill a provision that a person who has tinted windows at the time the bill goes into effect would be able to keep them, because the tinted windows would be phased out in 4 or 5 years as the cars are traded in. Mr. Ashabraner said that salesmen who sell pharmaceutical supplies park in motel parking lots. He asked if there could be a provision for them so people could not just look in and see the drugs that are labeled. People will break out windows so insurance companies will have to pay to replace them. He said that the policy holders will be the ones to pay for this.

REP. FOSTER asked Mr. Griffith if the HP minded having this grandfather clause on cars that already have the tinted windows. Mr. Griffith replied they could live with it, but any improvement towards that direction would be of benefit to the MHP. REP. FOSTER asked Mr. Griffith if the rear window wasn't tinted would they be able to see better. Mr. Griffith said that would be an immense help.

REP. CLARK asked Mr. Ashabraner regarding the pharmaceutical salesmen what they did in the past when there weren't tinted windows. Mr. Ashabraner replied that it has always been a problem regarding thefts of drugs, but the tinted windows have cut down on this problem.

REP. TOOLE asked Mr. Turkiewicz about the national standards for cars coming out of the car factories and how could they be applied here. Mr. Turkiewicz replied that the 30% window tinting is factory adopted and states that have adopted legislation for window tinting laws have accepted 30% as their standard.

CHAIRMAN STANG asked Mr. Turkiewicz if there is a certain percentage of standard tinting for new cars when they come out of the factories, and if Montana would be out of line by carrying this certain standard and would it cost the consumer more to purchase a new car for this reason. Mr. Turkiewicz replied that there are certain models of cars that may have this problem if this bill is adopted. Mr. Turkiewicz stated that he understood the maximum level of tinting from the factories was 30%. He stated this is a federal standard. Mr. Turkiewicz replied in regards to the cost to the consumer, if they adopted the same standards as the other states it would not affect Montana cost wise.

Informational Testimony:

Mr. Vernon Ball offered information about mini vans, small compact trucks, etc. that come off of the assembly line and have 16% light transmission. He stated that the California law states that there are no tinted windows in the front, driver and passenger sides, but the two back windows and rear window were ok to tint, that way they were not out of order with the federal law.

Closing by Sponsor:

REP. KIMBERLEY closed stating there are a lot of concerns for safety reasons, but he said, that however the bill turns out it should read what the bill states and that is to see clearly into the interior of the vehicle. He did not know how to handle the vandalism of the tinted windows that are in place at this time if the bill went through. REP. KIMBERLEY said if a grandfather clause were implemented in the bill it would be defeating the purpose of the bill. He felt that the funeral vehicles could be excluded from this bill.

HEARING ON HB 47**Presentation and Opening Statement by Sponsor:**

REP. ED GRADY, HOUSE DISTRICT 47, Canyon Creek, opened by saying the main intent of his bill is for the law officers and eye contact. He said he has discussed his bill with REP. KIMBERLEY because they are both alike in regards to safety. REP. GRADY stated that he was going to turn this over to the proponents who would be testifying to enlighten the committee with percentages. REP. GRADY mentioned that the windshield device (wiper) was also included in this bill to be operated by the driver only. He stated there are some types of cars and trucks where the passenger side of the windshield is operated by a vacuum and is controlled by the passenger. He stated that he had an amendment drafted that would take the windshield wipers out of this bill which has nothing to do with the main intent of what he was trying to do. REP. GRADY informed the committee it is already a federal law that big trucks cannot go over the 30% level for tinted windows.

Proponents' Testimony:

Chuck O'Reilly, Sheriff, Lewis and Clark County, gave a demonstration with a box made from tinted glass that keeps out 86% light or 14% window. He gave a scenario of being a law enforcement officer in uniform; alone in a patrol car at 2:30 a.m. after the bars have closed, you see a car of suspicious nature ahead of you and call in the license plate number into the National Crime Information Center (NCIC), it comes back as a vehicle involved in an armed robbery in Pocatello, Idaho. The windows are tinted including the back window, you pull the car

EXHIBIT 2
DATE 1-10-91
HB 29

January 10, 1991

3:00 p.m.

Testimony on behalf of HB 29

Testimony by Bill Yaeger before House Highways and Transportation Committee

The Association of Montana Highway Patrolmen applauds any change to the Law that will contribute to the safety of Patrol Officers. HB 29 most closely meets that goal. The Association would recommend a simple, common sense test for automobile window tinting. Can the Officer see the occupants of a vehicle and their activities clearly? If not, the tinting is too dark.

EXHIBIT 4
DATE 1-10-91
HB 29

HOUSE BILLS 29 AND 47

**TESTIMONY SUBMITTED BY THE MONTANA FUNERAL DIRECTORS
ASSOCIATION**

JANUARY 10, 1990

CONTACT: MARGARET RICHARDSON

Vehicles used by many of the funeral homes in Montana use darkening material on the rear and side windows of the first call cars. These are the vehicles that transport the body from the place of death to the funeral home. Darkening material is also used on the family car during the funeral. Because the funeral directors feel that it is important to protect the general public from the sensitive issue of death, as well as preserve the family's privacy, we respectfully request that funeral homes in Montana be exempt from HB 29 & 47.

VISITORS' REGISTER

COMMITTEE

BILL NO. HB 29DATE 1-10-91SPONSOR Kimberley

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Steve Turkiewicz	2016 8th Helena	✓	
MARVIN W. DADET	Box 432, Brinnon		X
John Decker	E. Helena		
Paul Anderson	Helena	X	
R. J. Smith	HELENA	X	
R. C. Wilson	Helena	X	
Margaret Richardson	Helena		X
Bill YAEGER	HELENA	X	
Jacqueline N. Terrell	American Mts. Assoc.	X w/andtz	
Bill FLEINTER	Mont Shire & P.O. Assoc		
Steve Browning	Helena	✓	

YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Motion/Vote: Question was called. Voice vote was taken to adopt amendments. Motion CARRIED unanimously.

Motion/Vote: REP. STEPPLER MADE A SUBSTITUTE MOTION THAT HB 47 DO PASS AS AMENDED.

Vote: HB 47 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 29

Motion: REP. STEPPLER MOVED HB 29 DO PASS.

Motion/Vote: REP. STEPPLER moved to adopt amendments.

Discussion:

REP. STEPPLER said this bill deals with darkening of side or rear windows. Again Nebraska's law was used saying 35 percent or more light transmittance on the side windows and 20 percent or more light transmittance on the rear windows. The vehicles are grandfathered in as in HB 47, and the same penalty and waiver clauses. EXHIBIT 29

Motion/Vote: Question was called. Voice vote was taken to adopt amendments. Motion CARRIED unanimously.

Motion/Vote: REP. STEPPLER MADE A SUBSTITUTE MOTION THAT HB 29 AS AMENDED DO PASS.

Vote: HB 29 DO PASS AS AMENDED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 263

Motion: REP. LARSON MOVED HB 263 DO PASS.

Motion/Vote: REP. LARSON moved to adopt amendments.

Discussion:

REP. LARSON addressed the amendments. The original bill was to create a new class of Class C carrier. Discussion with subcommittee members, REP. FELAND and REP. MCCULLOCH, and Mr. Budt, and carrier lobbyist Sue Langartner, developed an entirely new bill. Those are the amendments. It permits Class C carriers to haul recyclables and grants that authority to Class D carriers. The amendments have the approval of PSC. Class D carriers garbage hauling authority is protected. EXHIBIT 30

CHAIRMAN STANG asked for further explanation of the process of the Class D carrier would be.

REP. LARSON said page 1 of the amendments describes that Class C carriers may carry recyclables. Page 2 spells out how they may move recyclables. Section 3 divides the classification of motor

HOUSE STANDING COMMITTEE REPORT

February 13, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 29 (first reading copy -- white) do pass as amended .

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, line 4.

Strike: "PROHIBITING"

Insert: "RESTRICTING"

2. Title, line 5.

Strike: "REFLECTIVE OR DARKENING"

Insert: "TINTING OR SUNSCREENING"

3. Page 1, line 11.

Strike: "darkening of side or rear windows prohibited"

Insert: "window tinting and sunscreening -- restrictions -- exemptions"

4. Page 1, lines 19 through 21.

Following: "windshield" on line 19

Strike: remainder of line 19 through "vehicle" on line 21.

5. Page 1, line 24.

Strike: "A"

Insert: "Except as provided in subsection (6), a"

6. Page 1, line 24 through page 2, line 2.

Following: "vehicle" on line 24

Strike: remainder of line 24 through "vehicle." on page 2, line 2

Insert: "that is required to be registered in this state upon a highway if:

(a) the windows are tinted so that the driver's clear

February 13, 1991
Page 2 of 3

view through the side or rear windows is reduced or the ability to see into the motor vehicle is substantially impaired;

(b) the front side windows have any sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 35%;

(c) the rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 20%, except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

(d) the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 CFR 571.205.

(5) As used in [sections 2 and 3] and this section, the following definitions apply:

(a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons.

(b) "Glass-plastic glazing material" means a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle.

(c) "Light transmission" means the ratio of the amount of total light, expressed in percentages, that is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

(d) "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

(e) "Motor home" means a multipurpose passenger vehicle that provides living accommodations.

(f) "Multipurpose vehicle" means a motor vehicle designed to carry 10 or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use.

(g) "Pickup cover" means a camper having a roof and sides but without a floor designed to be mounted on and removable from the cargo area of a pickup truck by the user.

(h) "Slide-in camper" means a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user.

(i) "Sunscreening material" means a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

7.28
1-17-91
-DR
February 13, 1991

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(6) Subsection (4) does not apply to a vehicle that is equipped with tinted windows of the type and specifications that were installed by the manufacturer of the vehicle or to any hearse, ambulance, government vehicle, or any other vehicle to which a currently valid certificate of waiver is affixed as specified under [section 2]. A certificate of waiver must be issued by the department for a vehicle that is registered in this state on [the effective date of this act] and is equipped with a sunscreening device or other material prohibited under subsection (4) on [the effective date of this act].

NEW SECTION. Section 2. Window tinting and suncreening -- waiver -- conditions. The highway patrol or a local law enforcement agency may grant a waiver of the standards of 61-9-405(4) for reasons of safety or security or for medical reasons based on an affidavit signed by a licensed physician. The waiver must be in writing and must include the vehicle identification number, registration number, or other description to clearly identify the motor vehicle to which the waiver applies and the date issued, the name of the owner of the vehicle, the reason for granting the waiver, the dates the waiver is effective, and the signature of the head of the law enforcement agency granting the waiver. The agency shall keep a copy of the waiver until the waiver expires.

NEW SECTION. Section 3. Window tinting and sunscreening -- penalty. (1) A person who owns or operates a motor vehicle in violation of 61-9-405(4) is guilty of a misdemeanor and is punishable as provided in 46-18-212.

(2) A person who applies a sunscreening material or a glass-plastic glazing material in a manner that results in a motor vehicle having a window that violates the requirements of 61-9-405(4) is guilty of a misdemeanor and is punishable as provided in 46-18-212.

NEW SECTION. Section 4. [standard] Codification instruction. [Sections 2 and 3] are intended to be codified as an integral part of Title 61, chapter 9, part 4, and the provisions of Title 61, chapter 9, part 4, apply to [sections 2 and 3]."

330853SC.HSF

Amendments to House Bill No. 29
First Reading Copy (White)

Requested by Representative Stepler
For the Committee on Highways and Transportation

Prepared by Valencia Lane
February 11, 1991

1. Title, line 4.
Strike: "PROHIBITING"
Insert: "RESTRICTING"
2. Title, line 5.
Strike: "REFLECTIVE OR DARKENING"
Insert: "TINTING OR SUNSCREENING"
3. Page 1, line 11.
Strike: "darkening of side or rear windows prohibited"
Insert: "window tinting and sunscreening -- restrictions --
exemptions"
4. Page 1, lines 19 through 21.
Following: "windshield" on line 19
Strike: remainder of line 19 through "vehicle" on line 21.
5. Page 1, line 24.
Strike: "A"
Insert: "Except as provided in subsection (6), a"
6. Page 1, line 24 through page 2, line 2.
Following: "vehicle" on line 24
Strike: remainder of line 24 through "vehicle." on page 2, line 2
Insert: "that is required to be registered in this state upon a
highway if:
 (a) the windows are tinted so that the driver's clear
view through the side or rear windows is reduced or the
ability to see into the motor vehicle is substantially
impaired;
 (b) the front side windows have any sunscreening or
other transparent material that has a luminous reflectance
of more than 35% or has light transmission of less than 35%;
 (c) the rear window or side windows behind the front
seat have sunscreening or other transparent material that
has a luminous reflectance of more than 35% or has light
transmission of less than 20%, except for the rear window or
side windows behind the front seat on a multipurpose
vehicle, van, or bus; or
 (d) the windows of a camper, motor home, pickup cover,

slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 CFR 571.205.

(5) As used in [sections 2 and 3] and this section, the following definitions apply:

(a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons.

(b) "Glass-plastic glazing material" means a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle.

(c) "Light transmission" means the ratio of the amount of total light, expressed in percentages, that is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

(d) "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

(e) "Motor home" means a multipurpose passenger vehicle that provides living accommodations.

(f) "Multipurpose vehicle" means a motor vehicle designed to carry 10 or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use.

(g) "Pickup cover" means a camper having a roof and sides but without a floor designed to be mounted on and removable from the cargo area of a pickup truck by the user.

(h) "Slide-in camper" means a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user.

(i) "Sunscreening material" means a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

(6) Subsection (4) does not apply to a vehicle that is equipped with tinted windows of the type and specifications that were installed by the manufacturer of the vehicle or to any hearse, ambulance, government vehicle, or any other vehicle to which a currently valid certificate of waiver is affixed as specified under [section 2]. A certificate of waiver must be issued by the department for a vehicle that is registered in this state on [the effective date of this act] and is equipped with a sunscreening device or other material prohibited under subsection (4) on [the effective date of this act].

NEW SECTION. Section 2. Window tinting and sunscreening -- waiver -- conditions. The highway patrol or a local law enforcement agency may grant a waiver of the standards of 61-9-405(4) for reasons of safety or security or for medical reasons based on an affidavit signed by a licensed physician. The waiver must be in writing and must

include the vehicle identification number, registration number, or other description to clearly identify the motor vehicle to which the waiver applies and the date issued, the name of the owner of the vehicle, the reason for granting the waiver, the dates the waiver is effective, and the signature of the head of the law enforcement agency granting the waiver. The agency shall keep a copy of the waiver until the waiver expires.

NEW SECTION. Section 3. Window tinting and sunscreening -- penalty. (1) A person who owns or operates a motor vehicle in violation of 61-9-405(4) is guilty of a misdemeanor and is punishable as provided in 46-18-212.

(2) A person who applies a suncreening material or a glass-plastic glazing material in a manner that results in a motor vehicle having a window that violates the requirements of 61-9-405(4) is guilty of a misdemeanor and is punishable as provided in 46-18-212.

NEW SECTION. Section 4. {standard} Codification instruction. [Sections 2 and 3] are intended to be codified as an integral part of Title 61, chapter 9, part 4, and the provisions of Title 61, chapter 9, part 4, apply to [sections 2 and 3]."

HOUSE BILL NO. 29
INTRODUCED BY KIMBERLEY

~~RESTRICTING~~
A BILL FOR AN ACT ENTITLED: "AN ACT ~~PROHIBITING~~ THE USE OF
~~TINTING OR SUNSCREENING~~
~~REFLECTIVE OR DARKENING MATERIAL ON THE SIDE OR REAR WINDOWS~~
OF A MOTOR VEHICLE; AND AMENDING SECTION 61-9-405, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-405, MCA, is amended to read:

"61-9-405. Windshields to be unobstructed and equipped
with wipers -- ~~darkening of side or rear windows prohibited.~~

(1) No ~~A~~ person shall ~~may not~~ drive any ~~a~~ motor vehicle with
any sign, poster, or other nontransparent material upon the
front windshield, side wings, or side or rear windows of
such ~~the~~ vehicle which ~~that~~ obstructs the driver's clear
view of the highway or any intersecting highway.

(2) The windshield on every ~~each~~ motor vehicle shall
~~must~~ be equipped with a device for clearing rain, snow, or
other moisture from the windshield, ~~which and the device~~
~~shall must be so constructed as to be controlled or operated~~
~~by the driver of the vehicle.~~

(3) Every ~~Each~~ windshield wiper upon a motor vehicle
shall ~~must~~ be maintained in good working order.

~~(4) A person may not operate a motor vehicle with~~
~~reflective or darkening material on the side or rear windows~~
Except as provided in subsection (6), a

1 ~~that prevents a person outside the vehicle from seeing~~
2 ~~clearly into the interior of the vehicle."~~

-End-

*that is required to be registered in
this state upon a highway if:*

- (a)
(b)
(c)
(d)
(e)
(5)
(6)

*SEE
Amendment*

New Section. Section 2.

New Section. Section 3.

New Section. Section 4.

EXHIBIT 29
DATE 2-12-91
HB 29

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on March 5, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Cecil Weeding, Chairman (D)
Betty Bruski, Vice Chairman (D)
Bill Farrell (R)
John Harp (R)
Francis Koehnke (D)
Jerry Noble (R)
Jack Rea (D)
Lawrence Stimatz (D)
Larry Tveit (R)

Members Excused: None.

Staff Present: Paul Verdon (Legislative Council).
Pat Bennett, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Weeding announced that Senator Bruski would take over the chair while he introduced a bill in another committee.

HEARING ON HOUSE BILL 29

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BERVYL KIMBERLEY, District #90, opened the hearing on House Bill 29 which deals with tinted windows. The law enforcement officers in District #90 suggested that the legislature do something to eliminate the dark tint in automobile windows. When these officers approach a vehicle they have no idea what might be waiting for them. Representative Kimberley suggested the Committee amend HB 29 on Page 4, Section 6 by removing the Grandfather exemption and on Page 5, Section 2, Line 5, following "of the" strike "head of the" and following "enforcement" strike "agency" and insert "officer". Besides the concern of the officers, there is also a concern about the driver at a controlled intersection. What a person will do at an intersection often depends on what kind of eye contact has been

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

March 5, 1991

Page 2 of 9

made with the other person at that intersection. House Bill 29 deals on with the side windows, House Bill 47 deals with windshields. With regard to vans, on Page 2, Section 4-B, allows the side windows behind the front window to be darker.

Proponents' Testimony:

BOB GRIFFITH, Chief Administrator, Highway Patrol Division, Department of Justice, expressed support for HB 29 and stated that they have been attempting to pass legislation to do away with tinted windows for some time. Colonel Griffith said he agrees with striking subsection (6) on page 4 and they would also be willing to forgo with enforcement for a period of time, allowing people time for the adjustment.

LARRY TOBIASON, representing AAA of Montana, testified in support of HB 29. He stated that they are quite involved in high schools with traffic education, all the manuals teach that eye contact is important.

Opponents' Testimony:

RAY CROWNER wished to be listed as an opponent. (SEE WITNESS STATEMENT)

Questions From Committee Members:

SENATOR KOEHNKE asked how soon a person would be required to replace the windows.

REPRESENTATIVE KIMBERLEY said that in the bill it states "if they came from the manufacturer" it would not be affected by this legislation.

SENATOR NOBLE asked if Subsection 6 exempts the manufacturers.

REPRESENTATIVE KIMBERLEY said it is on Page 4, Lines 8-18. He stated that those windows which would not comply because they are darker than the 35% have a darkened material attached can be removed.

SENATOR KOEHNKE asked who will decide what is too dark?

REPRESENTATIVE KIMBERLEY said it would be the local law enforcement agency or officer.

SENATOR NOBLE asked if the Committee should hold off on HB 29 until they have heard HB 47 sponsored by Ed Grady.

REPRESENTATIVE KIMBERLEY said he would have no objections to that.

SENATOR TVEIT asked if the cars with the real dark windows

HI030591.SM1

came that way from the manufacturer?

REPRESENTATIVE KIMBERLEY said most of those were done after they came from the factory.

SENATOR TVEIT asked if there was any grandfathering in this bill?

REPRESENTATIVE KIMBERLEY said if they remove section (6), there would not be any grandfathering in the bill. The law enforcement people would like to have immediate compliance. Representative Kimberley stated he would like immediate compliance also.

CHAIRMAN WEEDING asked if this bill would prohibit tinting?

REPRESENTATIVE KIMBERLEY stated HB 29 would not prohibit tinting, it only states a person can not go beyond the point where you can not see into the interior vehicle.

Closing by Sponsor:

REPRESENTATIVE KIMBERLEY closed the hearing on HB 29.

HEARING ON HOUSE BILL 156

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE HOWARD TOOLE, District #60, informed the Committee that HB 156 would allow the reciprocal arrangements with other states regarding issuance of permits for international and interstate carriers. This concept will enable Montana to provide interstate permits to Montana based carriers and to allow other states to do the same with respect to their carriers, and to operate on a reciprocal basis.

Proponents' Testimony:

WAYNE BUDT, Administrator of the Transportation Division, Public Service Commission, testified in support of HB 156. (SEE EXHIBIT 1) He explained that HB 156 would allow the PSC to enter into an agreement with the other states. There is a pilot program presently going on with the identification year running from October 1. He stated there would not be any additional cost.

Opponents' Testimony:

None.

Questions From Committee Members:

None.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 5th day of MARCH, 1991.

Name: RAY CROWNER

Address: P.O. Box 1398
EAST HELENA, MT 59635

Telephone Number: 406 227-6406

Representing whom?

SELF

Appearing on which proposal?

HB 29

Do you: Support? Amend? Oppose? ✓

Comments:

- ① DO NOT SEE ANYTHING TO PROTECT INDIVIDUALS WHO
ALREADY HAVE TINTED WINDOWS FROM HAVING TO REMOVE
SAME. (GRANDFATHER CLAUSE?)
- ② AGREE THAT "LIMOUSINE" TINT IS TOO DARK ON SIDE
WINDOWS OF FRONT & PASSENGER DOORS CREATING
SAFETY HAZARD.
- ③ TINT CAN DECREASE CAR BURGLARIES AS THIEVES
GENERALLY DO NOT ENTER THE TOTALLY UNKNOWN
- ④ TINTING CAN BE A SAFETY ITEM IN THE EVENT THE
SIDE WINDOW IS SHATTERED AT HIGHWAY SPEED BY
HOLDING THE GLASS IN PLACE.
- ⑤ WOULD SUGGEST ALLOWING LIGHT & MEDIUM TINT
ON SIDES AND OUTLAIN "LIMOUSINE" & "REFLECTIVE"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

Questions From Committee Members:

SENATOR FARRELL asked about changing snowmobile from 15% to 10%.

DAVE BROWN stated that it was to recognize a percentage share of the total funds that go into this area.

JANET ELLIS responded to Senator Farrell's question stating that portion expired in 1977. It was at 15% to get the program started and they are now at 10%.

SENATOR FARRELL asked when they buy gasoline if they get a refund on their off road use.

LINDA ELLISON stated they are eligible for a refund, however because of the hassle to get this back individually she doesn't bother.

ARNIE OLSON, Administrator of the State Parks Division, stated that on page 3, line 10, and also on page 4, line 21, should be "must" and not "may".

SENATOR NOBLE asked how much in federal matching funds this will cost.

REPRESENTATIVE BROWN stated the way it is in the bill it would be one mile of repairing highway over twenty years.

Closing by Sponsor:

REPRESENTATIVE BROWN closed the hearing on HB 309. He stated that when HB 309 was in the House the Highway Department was opposed to the loss of funds and not the project. Senator Stimatz will carry HB 309 should it pass the Committee.

EXECUTIVE ACTION ON HOUSE BILL 29

Motion:

SENATOR HARP MOVED that HB 29 BE CONCURRED IN AS AMENDED.

Discussion:

PAUL VERDON explained to the Committee that he made up an unofficial gray bill for each House Bill 29 and House Bill 47. (SEE EXHIBIT 6) SENATOR WEEDING will carry HB 29.

Amendments, Discussion, and Votes:

SENATOR HARP MOVED to ADOPT the AMENDMENTS TO HOUSE BILL 29.
(SEE EXHIBIT 7)

MOTION TO ADOPT AMENDMENTS TO HB 29 PASSED UNANIMOUSLY.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that HB 29 BE CONCURRED IN AS AMENDED.

EXECUTIVE ACTION ON HOUSE BILL 47

Motion:

SENATOR HARP MOVED TO TABLE HB 47.

MOTION PASSED UNANIMOUSLY.

HEARING ON HOUSE BILL 59

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DAN HARRINGTON, District #68, informed the Committee that HB 59 was drafted after he realized how easy it was to get a person's driving record just by writing in with the person's name and address. This bill will not prevent those who absolutely need to get those records, but rather will make it a little tougher for just anyone to get this. This bill will increase the fees from \$3 to \$6.

Proponents' Testimony:

STEVE BROWNING, representing State Farm Insurance Companies, distributed his suggested amendment to HB 59. (SEE EXHIBIT 8) Mr. Browning also asked the Committee to consider on page 2, line 12. The existing \$3 fee raises approximately \$1.2 million which according to the Department of Vehicles has been more than adequate to cover the costs.

DEAN ROBERTS, Administrator of the Motor Vehicle Division, stated he has no problem with the second amendment, but they do have a problem with the first amendment. This first amendment would not allow the FBI network to be used for anything other than criminal matters. The second amendment would give those people who need access to the information to get it.

UNOFFICIAL GRAY BILL

HOUSE BILL NO. 29 INTRODUCED BY KIMBERLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RESTRICTING THE USE OF REFLECTIVE OR DARKENING TINTING OR SUNSCREENING MATERIAL ON THE WINDSHIELD OR SIDE OR REAR WINDOWS OF A MOTOR VEHICLE; AND AMENDING SECTION 61-9-405, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-405, MCA, is amended to read:

"61-9-405. Windshields to be unobstructed and equipped with wipers -- ~~darkening of side or rear windows prohibited~~ WINDOW TINTING AND SUNSCREENING -- RESTRICTIONS -- EXEMPTIONS. (1) ~~No~~ A person ~~shall~~ may not drive any a motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such the vehicle which that obstructs the driver's clear view of the highway or any intersecting highway.

(2) The windshield on every each motor vehicle shall must be equipped with a device for clearing rain, snow, or other moisture from the windshield, which and the device shall must be ~~so constructed as to be controlled or operated by the driver of the vehicle.~~

(3) Every Each windshield wiper upon a motor vehicle shall must be maintained in good working order.

(4) ~~A EXCEPT AS PROVIDED IN SUBSECTION (6), A~~ A person may not operate a motor vehicle with reflective or darkening material on the side or rear windows that prevents a person outside the vehicle from seeing clearly into the interior of the vehicle. THAT IS REQUIRED TO BE REGISTERED IN THIS STATE UPON A HIGHWAY IF:

(a) ~~the windows are tinted so that the driver's clear view through the side or rear windows is reduced or the ability to see into the motor vehicle is substantially impaired;~~

(b) (A) THE WINDSHIELD HAS ANY SUNSCREENING MATERIAL THAT IS NOT CLEAR AND TRANSPARENT BELOW THE AS-1 LINE OR IF IT HAS A SUNSCREENING MATERIAL THAT IS RED, YELLOW, OR AMBER IN COLOR ABOVE THE AS-1 LINE;

(A) (B) THE FRONT SIDE WINDOWS HAVE ANY SUNSCREENING OR OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 35%;

(C) (B) (C) THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT SEAT HAVE SUNSCREENING OR OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 20%, EXCEPT FOR THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT SEAT ON A MULTIPURPOSE VEHICLE, VAN, OR BUS; OR

~~(d)(c)(D)~~ THE WINDOWS OF A CAMPER, MOTOR HOME, PICKUP COVER, SLIDE-IN CAMPER, OR OTHER MOTOR VEHICLE DO NOT MEET THE STANDARDS FOR SAFETY GLAZING MATERIAL SPECIFIED BY FEDERAL LAW IN 49 CFR 571.205.

(5) AS USED IN [SECTIONS 2 AND 3] AND THIS SECTION, THE FOLLOWING DEFINITIONS APPLY:

(A) "CAMPER" MEANS A STRUCTURE DESIGNED TO BE MOUNTED IN THE CARGO AREA OF A TRUCK OR ATTACHED TO AN INCOMPLETE VEHICLE FOR THE PURPOSE OF PROVIDING SHELTER FOR PERSONS.

(B) "GLASS-PLASTIC GLAZING MATERIAL" MEANS A LAMINATE OF ONE OR MORE LAYERS OF GLASS AND ONE OR MORE LAYERS OF PLASTIC IN WHICH A PLASTIC SURFACE OF THE GLAZING FACES INWARD WHEN THE GLAZING IS INSTALLED IN A VEHICLE.

(C) "LIGHT TRANSMISSION" MEANS THE RATIO OF THE AMOUNT OF TOTAL LIGHT, EXPRESSED IN PERCENTAGES, THAT IS ALLOWED TO PASS THROUGH THE SUNSCREENING OR TRANSPARENT MATERIAL TO THE AMOUNT OF TOTAL LIGHT FALLING ON THE MOTOR VEHICLE WINDOW.

(D) "LUMINOUS REFLECTANCE" MEANS THE RATIO OF THE AMOUNT OF TOTAL LIGHT, EXPRESSED IN PERCENTAGES, THAT IS REFLECTED OUTWARD BY THE SUNSCREENING OR TRANSPARENT MATERIAL TO THE AMOUNT OF TOTAL LIGHT FALLING ON THE MOTOR VEHICLE WINDOW.

(E) "MOTOR HOME" MEANS A MULTIPURPOSE PASSENGER VEHICLE THAT PROVIDES LIVING ACCOMMODATIONS.

(F) "MULTIPURPOSE VEHICLE" MEANS A MOTOR VEHICLE DESIGNED TO CARRY 10 OR FEWER PASSENGERS THAT IS CONSTRUCTED ON A TRUCK CHASSIS OR WITH SPECIAL FEATURES FOR OCCASIONAL OFF-ROAD USE.

(G) "PICKUP COVER" MEANS A CAMPER HAVING A ROOF AND SIDES BUT WITHOUT A FLOOR DESIGNED TO BE MOUNTED ON AND REMOVABLE FROM THE CARGO AREA OF A PICKUP TRUCK BY THE USER.

(H) "SLIDE-IN CAMPER" MEANS A CAMPER HAVING A ROOF, FLOOR, AND SIDES DESIGNED TO BE MOUNTED ON AND REMOVABLE FROM THE CARGO AREA OF A TRUCK BY THE USER.

(I) "SUNSCREENING MATERIAL" MEANS A FILM, MATERIAL, TINT, OR DEVICE APPLIED TO MOTOR VEHICLE WINDOWS FOR THE PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

~~(6) SUBSECTION (4) DOES NOT APPLY TO A VEHICLE THAT IS EQUIPPED WITH TINTED WINDOWS OF THE TYPE AND SPECIFICATIONS THAT WERE INSTALLED BY THE MANUFACTURER OF THE VEHICLE OR TO ANY HEARSE, AMBULANCE, GOVERNMENT VEHICLE, OR ANY OTHER VEHICLE TO WHICH A CURRENTLY VALID CERTIFICATE OF WAIVER IS AFFIXED AS SPECIFIED UNDER [SECTION 2]. A CERTIFICATE OF WAIVER MUST BE ISSUED BY THE DEPARTMENT FOR A VEHICLE THAT IS REGISTERED IN THIS STATE ON [THE EFFECTIVE DATE OF THIS ACT] AND IS EQUIPPED WITH A SUNSCREENING DEVICE OR OTHER MATERIAL PROHIBITED UNDER SUBSECTION (4) ON [THE EFFECTIVE DATE OF THIS ACT]."~~

NEW SECTION. SECTION 2. WINDOW TINTING AND SUNSCREENING -- WAIVER -- CONDITIONS. THE HIGHWAY PATROL OR A LOCAL LAW ENFORCEMENT AGENCY MAY GRANT A WAIVER OF THE STANDARDS OF 61-9-405(4) FOR REASONS OF SAFETY OR SECURITY OR FOR MEDICAL REASONS BASED ON AN AFFIDAVIT SIGNED BY A LICENSED PHYSICIAN. THE WAIVER MUST BE IN WRITING AND MUST INCLUDE THE VEHICLE IDENTIFICATION

NUMBER, REGISTRATION NUMBER, OR OTHER DESCRIPTION TO CLEARLY IDENTIFY THE MOTOR VEHICLE TO WHICH THE WAIVER APPLIES AND THE DATE ISSUED, THE NAME OF THE OWNER OF THE VEHICLE, THE REASON FOR GRANTING THE WAIVER, THE DATES THE WAIVER IS EFFECTIVE, AND THE SIGNATURE OF THE HEAD OF THE LAW ENFORCEMENT AGENCY OFFICER GRANTING THE WAIVER. THE HIGHWAY PATROL OR THE LAW ENFORCEMENT AGENCY SHALL KEEP A COPY OF THE WAIVER UNTIL THE WAIVER EXPIRES.

NEW SECTION. SECTION 3. WINDOW TINTING AND SUNSCREENING -- PENALTY. (1) A PERSON WHO OWNS OR OPERATES A MOTOR VEHICLE IN VIOLATION OF 61-9-405(4) IS GUILTY OF A MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN 46-18-212.

(2) A PERSON WHO APPLIES A SUNSCREENING MATERIAL OR A GLASS-PLASTIC GLAZING MATERIAL IN A MANNER THAT RESULTS IN A MOTOR VEHICLE HAVING A WINDOW THAT VIOLATES THE REQUIREMENTS OF 61-9-405(4) IS GUILTY OF A MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN 46-18-212.

NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION. [SECTIONS 2 AND 3] ARE INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 61, CHAPTER 9, PART 4, AND THE PROVISIONS OF TITLE 61, CHAPTER 9, PART 4, APPLY TO [SECTIONS 2 AND 3].

-End-

Amendments to House Bill No. 29
Third Reading Copy

Requested by Representative Kimberley
For the Senate Committee on Highways and Transportation

Prepared by Paul Verdon
March 12, 1991

1. Title, line 6.

Following: "THE"

Insert: "WINDSHIELD OR"

2. Page 2, line 2.

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (6), A"

Insert: "A"

3. Page 2, line 12.

Following: line 11

Insert: "(a) the windshield has any sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;"

Renumber: subsequent subsections

4. Page 4, lines 8 through 18.

Strike: subsection (6) in its entirety

5. Page 5, line 5.

Strike: "OF THE HEAD"

Strike: "AGENCY"

Insert: "officer"

6. Page 5, line 6.

Following: second "THE"

Insert: "highway patrol or the local law enforcement"